FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2475 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders . . .

Dr.Virendra Tulzapurkar, Senior Counsel with Mr.S.G. Karandikar for the Petitioner.

Mr.V.P. Malwankar, AGP for the Respondents.

Mr.P.S. Dani for the Applicant/Intervenor in C.A. (St.) 9785 of 2007.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 27TH APRIL, 2007.

P.C. :

1. Rule. Heard forthwith.

2. We find that the documentary evidence placed on record which was required to be considered for determining the controversy in issue, has not been considered. Similarly the intervenor in C.A.(St.) No.9785 of 2007 contends that he is deemed owner and

consequently those lands which have been included whilst considering the case of the Petitioner ought to have been excluded.

2. Considering the controversy, in our view, the ends of justice would be met if the order dated 30.11.2006 is quashed and set-aside and the matter is remanded to the Appellate Authority for rehearing and disposal after giving an opportunity to the Petitioner and other aggrieved persons.

3. Rule is accordingly made absolute with no order as to costs.

(R.M. SAVANT, J.) (F.I.REBELLO, J.)